

RICHARD E. WETZEL

ATTORNEY AT LAW

Board Certified in Criminal Law By
The Texas Board of Legal Specialization

1411 West Avenue, Suite 100
Austin, TX 78701
(512) 469-7943

FAX: (512) 474-5594
E-MAIL: wetzel_law@1411west.com

January 28, 2011

Neil Hegefled
Deputy Clerk
Tenth Court of Appeals
501 Washington Ave., Rm. 415
Waco, TX
76701

Re: Baird v. State, No. 10-10-00297-CR

Dear Deputy Hegefled:

I am in receipt of your letter dated January 25, 2011 informing me that my motion to compel the filing of the reporter's record in the above cause has been dismissed. It appears a complete reporter's record in this cause has been neither received nor filed by the Tenth Court of Appeals. Under such circumstances, I am at a loss to understand why the motion to compel was dismissed.

Your invitation to file an appropriate motion, if any, is perplexing. I filed an appropriate motion to compel the filing of the reporter's record. A missing exhibit is part of the incomplete reporter's record. Tex. R. App. P. 34.6(a)(1) rather clearly provides that exhibits are part of the reporter's record.

I would appreciate the Court discharging its duty under Tex. R. App. P. 35.3(c) to ensure a complete record on appeal is received and filed so that my client's appeal may proceed.

FILED
TENTH COURT OF APPEALS

FEB 01 2011

SHARRI ROESSLER, CLERK

Sincerely,


Richard E. Wetzel
Attorney at Law

cc: Doug Howell